

NEWBORN SAFE HAVEN AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill amends provisions related to the safe relinquishment of a newborn child.

Highlighted Provisions:

This bill:

- defines terms;
- modifies the locations in which a newborn child may be safely relinquished; and
- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

80-4-501, as last amended by Laws of Utah 2023, Chapter 330

80-4-502, as last amended by Laws of Utah 2023, Chapter 139

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **80-4-501** is amended to read:

80-4-501. Definitions.

As used in this part:



(1) "Children's Justice Center" means a Children's Justice Center established in accordance with Section [67-5b-102](#).

(2) "Designated facility" means:

(a) a hospital;

(b) a law enforcement agency, during hours when the law enforcement agency is staffed;

(c) a fire station, during hours when the fire station is staffed;

(d) a Children's Justice Center, during hours when the Children's Justice Center is staffed; and

(e) the Division of Child and Family Services, during hours when the division is staffed.

(3) "Division" means the Division of Child and Family Services created in Section [80-2-201](#).

(4) "Hospital" means a general acute hospital, as that term is defined in Section [26B-2-201](#), that is:

(a) equipped with an emergency room;

(b) open 24 hours a day, seven days a week; and

(c) employs full-time health care professionals who have emergency medical services training.

(5) "Law enforcement agency" means the same as that term is defined in Section [53-6-210.5](#).

~~[(2)]~~ (6) "Newborn child" means a child who is approximately ~~[30]~~ 90 days old or younger, as determined within a reasonable degree of medical certainty.

Section 2. Section **80-4-502** is amended to read:

80-4-502. Safe relinquishment of a newborn child -- Termination of parental rights -- Affirmative defense.

(1) (a) A parent or a parent's designee may safely relinquish a newborn child at a ~~[hospital]~~ designated facility in accordance with this part and retain complete anonymity, so long as the newborn child has not been subject to abuse or neglect.

(b) Safe relinquishment of a newborn child who has not otherwise been subject to abuse or neglect shall not, in and of itself, constitute neglect, and the newborn child may not be

considered a neglected child so long as the relinquishment is carried out in substantial compliance with this part.

(2) (a) Personnel employed by a ~~[hospital]~~ designated facility shall accept a newborn child who is relinquished under this part, and may presume that the individual relinquishing is the newborn child's parent or the parent's designee.

(b) The person receiving the newborn child may request information regarding the parent and newborn child's medical histories, and identifying information regarding the nonrelinquishing parent of the newborn child.

(c) If the newborn child's parent or the parent's designee provides the person receiving the newborn child with any of the information described in Subsection (2)(b) or any other personal items, the person shall provide the information or personal items to the division.

(d) Personnel employed by the ~~[hospital]~~ designated facility shall ~~[(i) provide any necessary medical care to the newborn child; (ii)]~~ notify the division of receipt of the newborn child as soon as possible, but no later than 24 hours after receipt of the newborn child ~~[, and]~~.

~~[(iii) prepare a birth certificate or foundling birth certificate if parentage is unknown for the newborn child and file the certificate with the Office of Vital Records and Statistics within the Department of Health.]~~

(e) If the newborn child is safely relinquished at a hospital, personnel employed by the hospital shall:

(i) provide any necessary medical care to the newborn child; and

(ii) prepare a birth certificate or foundling birth certificate if parentage is unknown for the newborn child and file the certificate with the Office of Vital Records and Statistics within the Department of Health and Human Services.

~~[(e)]~~ (f) A ~~[hospital]~~ designated facility and personnel employed by a ~~[hospital]~~ designated facility are immune from any civil or criminal liability arising from accepting a newborn child if the personnel employed by the ~~[hospital]~~ designated facility substantially comply with the provisions of this part and, as applicable, if medical treatment is administered according to standard medical practice.

(3) The division shall assume care and protective custody of the newborn child immediately upon notice from the ~~[hospital]~~ designated facility.

(4) So long as the division determines there is no abuse or neglect of the newborn

child, neither the newborn child nor the child's parents are subject to:

(a) the investigation provisions contained in Section 80-2-701; or

(b) the provisions of Chapter 3, Abuse, Neglect, and Dependency Proceedings.

(5) (a) Unless identifying information relating to the nonrelinquishing parent of the newborn child is provided, the division shall:

(i) work with local law enforcement and the Bureau of Criminal Identification within the Department of Public Safety in an effort to ensure that the newborn child has not been identified as a missing child;

(ii) immediately place or contract for placement of the newborn child in a potential adoptive home and, within 10 days after the day on which the child is received, file a petition for termination of parental rights in accordance with this chapter;

(iii) direct the Office of Vital Records and Statistics within the Department of Health to conduct a search for:

(A) a birth certificate for the newborn child; and

(B) unmarried biological fathers in the registry maintained by the Office of Vital Records and Statistics in accordance with Title 78B, Chapter 15, Part 4, Registry; and

(iv) provide notice to each potential father identified on the registry described in Subsection (5)(a)(iii) in accordance with Title 78B, Chapter 15, Part 4, Registry.

(b) (i) If no individual has affirmatively identified himself or herself within two weeks after the day on which notice under Subsection (5)(a)(iv) is complete and established paternity by scientific testing within as expeditious a time frame as practicable, a hearing on the petition for termination of parental rights shall be scheduled and notice provided in accordance with this chapter.

(ii) If a nonrelinquishing parent is not identified, relinquishment of a newborn child under this part is considered grounds for termination of parental rights of both the relinquishing and nonrelinquishing parents under Section 80-4-301.

(6) If at any time before the day on which the newborn child is adopted, the juvenile court finds it is in the best interest of the newborn child, the court shall deny the petition for termination of parental rights.

(7) The division shall provide for, or contract with a child-placing agency to provide for expeditious adoption of the newborn child.

121 (8) So long as the individual relinquishing a newborn child is the newborn child's
122 parent or designee, and there is no abuse or neglect, safe relinquishment of a newborn child in
123 substantial compliance with this part is an affirmative defense to any potential criminal liability
124 for abandonment or neglect relating to the relinquishment.

125 Section 3. **Effective date.**

126 This bill takes effect on May 1, 2024.